

Roddenbery Memorial Library
320 N. Broad St.
Cairo, GA 39828
Form 471 Application # 310909
Billed Entity # 127509
March 13, 2003

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MAR 14 2003

Federal Communications Commission
Office of the Secretary

Letter of Appeal
Federal Communications Commission
Office of the Secretary
445 - 12th Street, S W
Washington, DC 20554

In reference to CC Docket Nos. 96-45 and 97-21:

We wish to appeal one of the funding commitment decisions on the funding commitment decision letter for Funding Year 2002 dated July 1, 2002. The Funding Request Number is 809358 and the **Funding** Commitment Decision Explanation states that the category of service **was** changed from Telecommunications to Internal Connections and funding was denied for this reason.

This appeal was made to the Schools and Libraries Division on July 10, 2002 and was denied again in an Administrator's Decision on Appeal dated January 15, 2003. In the Administrator's Decision on Appeal it was stated that in answering the Tennessee Test questions we failed to meet all of the criteria necessary to categorize our request as Telecommunications. After careful review of our contract with our service provider we have answered these questions again to clear **up** any misinformation:

- (a) **Is** the equipment directly related to the end-to-end provision of Telecommunications or Internet Access Services? Yes
- (b) **Will** the rented equipment be provided by the same SPIN that provides the associated Telecommunications Service or Internet Access? Yes
- (c) Will ownership of the equipment transfer to the library in the future? No
- (d) Does the relevant contract include an option to purchase the equipment? No
- (e) Does the relevant contract stipulate that the applicant **will** have exclusive use of the equipment? No

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(f) **Will** the rented equipment at the library be used for any purpose other than receipt of the eligible Telecommunications Services or Internet Access of which it is a part? No

(g) **Will** the library internal data communications network function without dependence on the equipment? Yes

(h) Does responsibility for maintaining the equipment rest with the service provider? Yes

This Funding Request Number **is for** the Key System Rental **of** our telephone system and has been funded by the SLD for the past three years as Telecommunications and we believe that is how it should be classified.

We were under the impression that one of the reasons that E-rate was started was so schools and libraries could improve their telecommunications services. We had this telephone *system* installed because it was approved by SLD and if we had known that part of it was not going to be approved we would not have installed the **system**.

Thank you,



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